

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LIZA NAPLES,

Plaintiff,

Case No. 13-11257

Honorable Thomas L. Ludington

v.

DELTA AIR LINES, INC.,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Liza Naples filed a complaint alleging that Delta Air Lines, Inc. (Delta) negligently failed in its “duty to protect [her] from any hidden or latent hazards on its air plane.” Pl.’s Compl. ¶¶ 31, 33, *attached as* Notice Removal, ECF No. 1. Delta filed a motion for summary judgment on October 25, 2013. The motion was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1).

On December 30, 2013, Judge Binder issued a report recommending that Delta’s motion for summary judgment be granted and that the case be dismissed. Although Judge Binder’s report explicitly stated that the parties may object to and seek review of the recommendation within 14 days of service of the report, as of today’s date, neither party has filed objections. The failure to object to Judge Binder’s report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Moreover, the failure to file objections to the report waives any further right to appeal. *See Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, it is **ORDERED** that the Judge Binder's report and recommendation, ECF No. 25, is **ADOPTED**.

It is further **ORDERED** that Delta's motion for summary judgment, ECF No. 10, is **GRANTED**.

It is further **ORDERED** that Naples's two motions to compel, ECF Nos. 11 and 17, are **DENIED** as moot.¹

It is further **ORDERED** that the complaint, ECF No. 1, is **DISMISSED** with prejudice.

Dated: January 16, 2014

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 16, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS

¹ Judge Binder filed a notice on the docket concerning these two discovery motions. He indicates that if his report and recommendation is adopted, "the discovery motions presently pending before the Court will be moot." Notice 1, ECF No. 26. As the Court is adopting Judge Binder's report, these motions are appropriately denied.